

REMARKS

The Applicants appreciate the Examiner's thorough examination of the subject application and the indication that claims 3 and 5-16 are in a condition for allowance. Applicants further request reconsideration of the subject application based on the instant amendments and following remarks.

Claims 1, 3, 4, and 9 have been amended and claims 32-34 have been cancelled. Support for the instant amendments can be found in claims 1, 3, 4, and 9 as originally filed. No new matter has been added by the claim amendments. Support for the amendment to claims can be found in the claims as originally filed and throughout the specification.

Claims 1, 2, 4, 24-27, 30, and 35 stand rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is traversed.

As the Office Action is understood, the term “optionally substituted” is alleged to render the claims indefinite.

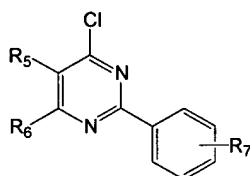
Applicants respectfully disagree. The term “optionally substituted” is well understood by those of ordinary skill in the art to mean that one or more hydrogen residues of a specified group have been replaced with a non-hydrogen residue. Moreover the specification of the instant application particularly points out the intended meaning of “optionally substituted”. See the specification as filed at page 22, line 20 to page 23, line 26.

Thus, claims 1 and 2 are fully compliant with the requirements of 35 U.S.C. §112, including the definite requirements of §112, second paragraph. Claims 4, 24-27, 30, and 35

depend from claim 1 or 2 and are therefore also compliant with the requirements of §112, second paragraph. Applicants request withdrawal of the rejection and reconsideration of the claims.

Claims 1, 24-26, and 35 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Oka et al. (Japanese Patent 10-130150). The rejection is traversed.

The compounds recited by the Oka reference have (a) a chlorine substituent at the 4 position of the pyrimidine ring, (b) a hydrogen, methyl, or ethyl substituent at the 5 position of the pyrimidine ring, and (c) a C₁₋₃alkyl substituent at the 6 position of the pyrimidine ring. More particularly, compounds 22-30 recited by Oka are represented by the formula:



Compound #	R ₅	R ₆	R ₇
22	Me	Me	4-Cl
23	Me	Me	3-Cl
24	Me	Me	F
25	Me	Me	4-OMe
26	Me	Me	4-CF ₃
27	Me	Me	4-NO ₂
28	Me	Et	H
29	Me	i-Pr	H
30	Et	Me	H

Thus, each of the compounds recited by Oka comprise an alkyl substituent at the 5 position of the pyrimidine ring.

In contrast, claim 1, as previously presented, provides compounds in which R₂ is selected from a Markush group of substituents which does not include hydrogen or alkyl. That is, compounds of claim 1 to not encompass pyrimidine compounds in which the 5 position is a hydrogen or alkyl substituent.

Thus, claim 1 is patentable over Oka. Claims 4, 24-26, 30, and 35 depend from claim 1 and are therefore also patentable over Oka.

Claims 1, 4, 24-26, and 35 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Kleemann et al. (U.S. Patent 5,849,758).

The compounds recited by the Kleemann reference have (a) a chlorine substituent at the 4 position of the pyrimidine ring, (b) methyl or ethyl substituent at the 5 position of the pyrimidine ring.

Thus, each of the compounds recited by Kleemann comprise an alkyl substituent at the 5 position of the pyrimidine ring.

In contrast, claim 1, as previously presented, provides compounds in which R₂ is selected from a Markush group of substituents which does not include hydrogen or alkyl. That is, compounds of claim 1 to not encompass pyrimidine compounds in which the 5 position is a hydrogen or alkyl substituent.

Thus, claim 1 is patentable over Kleemann. Claims 4, 24-26, 30, and 35 depend from claim 1 and are therefore also patentable over Kleemann.

Applicants appreciate the indication that Group 1 of the restriction has been reformulated to incorporate the subject matter of Groups 3 and 6. Applicants respectfully request rejoinder of Group 7 as that group was originally defined in the November 5, 2003 Office Action with

revised Group I. Applicants assert that multiple groups could be searched and examined together without undue burden. For instance, Groups 1 and 7 share a common classification (514 and 544), and said groups are drawn to claims which recite pyrimidine compounds having: (1) Ar selected from phenyl or naphthyl; (2) R₂ is selected from various groups including mono and disubstituted amino groups and alkoxy groups which do not comprise a heteroaryl or heterocyclic groups; and (3) R₃ is various groups in Group 1 including alkoxy. As such, the compounds in Groups 1 and 7 possess a common pyrimidine ring system having a common substitution pattern. Applicants believe that searching these additional claims will not pose an additional burden on the Examiner and request joining Groups 1 and 7.

Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

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Respectfully submitted,



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